

311.909 Disciplinary measures by the board -- Grounds -- Procedures.

- (1) The board may revoke, suspend, deny, decline to renew, limit, or restrict the certification of an athletic trainer or may impose fines of not less than one hundred dollars (\$100) and not more than five thousand dollars (\$5,000) per violation, including the costs of any proceedings; reprimand; or place an athletic trainer on probation for no more than five (5) years upon proof that the athletic trainer:
 - (a) Knowingly made or presented, or caused to be made or presented, any false, fraudulent, or forged statement, writing, certificate, diploma, or other document relating to an application for certification or renewal thereof;
 - (b) Practiced or aided or abetted in the practice of fraud, forgery, deception, collusion, or conspiracy relating to an examination for certification;
 - (c) Has been convicted by any court of a misdemeanor offense involving moral turpitude or convicted of an act that is or would be a felony under the laws of the Commonwealth of Kentucky or of the United States;
 - (d) Has become addicted to or is an abuser of alcohol, drugs, or any illegal substances;
 - (e) Developed a physical or mental disability or other condition that presents a danger in continuing to provide athletic training services to patients, the public, or other health-care personnel;
 - (f) Knowingly made, caused to be made, or aided or abetted in the making of a false statement in any document executed in connection with the practice of athletic training;
 - (g) Performed any act or service as an athletic trainer without proper supervision by a licensed physician;
 - (h) Exceeded the scope of medical services or procedures described by the supervising physician in the application required under KRS 311.903;
 - (i) Aided, assisted, or abetted another in the unlawful practice of medicine, osteopathy, chiropractics, or any healing art, including the unlawful practice of athletic training;
 - (j) Willfully violated a confidential communication;
 - (k) Performed the services of an athletic trainer in an unprofessional, incompetent, or grossly or chronically negligent manner;
 - (l) Has been removed, suspended, expelled, or placed on probation by any health-care facility for unprofessional conduct, incompetence, negligence, or violation of any provision of KRS 311.900 to 311.928;
 - (m) Violated any applicable provision of an administrative regulation relating to athletic training practice;
 - (n) Violated any term of probation or other disciplinary order issued by the board or an agreed order defined in KRS 311.550;
 - (o) Failed to complete the required number of hours of approved continuing education; or

- (p) Willfully violated any provision of KRS 311.900 to 311.928 or acted outside of the certified athletic trainer's scope of practice.
- (2) All disciplinary proceedings against an athletic trainer shall be conducted in accordance with the provisions of KRS 311.591, 311.592, 311.593, and 311.599; KRS Chapter 13B; and any related administrative regulations promulgated under KRS Chapter 311, except that the provisions which apply to physicians shall apply to athletic trainers.
- (3) Notwithstanding any of the requirements for certification established by KRS 311.900 to 311.928, the board, after providing the applicant with reasonable notice of its intended action and a reasonable opportunity to be heard, may deny certification to an applicant without a prior evidentiary hearing upon a finding that the applicant has violated any provisions of KRS 311.900 to 311.928 or is otherwise unfit to practice. Orders denying certification may be appealed pursuant to KRS 311.593.
- (4) The board may impose restrictions on the scope of practice of an athletic trainer after providing the applicant with reasonable notice of its intended action and a reasonable opportunity to be heard. The Athletic Trainers Advisory Council may make recommendations on such restrictions.
- (5) The provisions of this chapter shall not be construed as preventing or restricting the practices, services, or activities of a person licensed in accordance with the provisions of another law of the Commonwealth from engaging in the profession or occupation for which he or she is licensed.

Effective: July 12, 2006

History: Created 2006 Ky. Acts ch. 248, sec. 6, effective July 12, 2006.